

**REMARKS**

***Status of the Application and Preliminary Matters***

Claims 1-25 are all the claims pending in the Application, all of which have been rejected under 35 U.S.C. § 102(e) as allegedly anticipated by U.S. Patent 6,498,922 to Lazaris-Brunner et al (hereinafter Lazaris-Brunner).

Applicant notes that a PTO/SB/08 form was filed on October 8, 2004 listing the references cited in the International Search Report for the present Application's related International Application. Applicant respectfully requests that the Examiner indicate his consideration of these references.

***Independent Claims 1 and 14***

Claims 1-25 have been rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by Lazaris-Brunner. Applicant respectfully traverses the rejection for the reasons to follow.

Claim 1 recites (in part):

a monitoring, measurement or data collection system having a plurality of monitoring stations for remote monitoring, measurement or data collection and for providing data, to respective computation centers, and;

a satellite system using at least one satellite having an on-board processor for multiplexing up-link data received and broadcasting said multiplexed data in a down-link transmission;

wherein:

said up-link data received by said satellite comprises a digital channel corresponding to a respective one of said computation centers;

said respective computation center is connected to a down-link adapter connected to a receiver or group of receivers; and

said down-link adapter is adapted for extracting, from said down-link transmission, said digital channel corresponding only to the said respective computation center.

Applicant submits that Lazaris-Brunner fails to disclose the above recitations of claim 1, and sets forth the following traversal in addition to those set forth in the Response of January 20, 2010.

Applicant submits that Lazaris-Brunner fails to disclose “monitoring stations for remote monitoring, measurement or data collection and for providing data, to respective computation centers” and “up-link data received by said satellite compris[ing] a digital channel corresponding to a respective one of said computation centers.” Giving the required weight to all of the claim terms, the term “respective” in particular, the present Application has monitoring stations and digital channels that correspond to a single computation center. Quite to the contrary, Lazaris-Brunner discloses regional and global programming, both of which are distributed to a plurality of homes. Furthermore, Lazaris-Brunner fails to disclose an uplink comprising “a digital channel corresponding to a respective one of said computation centers” due to the fact that in the Lazaris-Brunner disclosure it is the satellite that is programmed to route the uplink to different regions, combining it with other regional programming, as well as global programming, with no such determination taking place before or during when the uplink beams are sent to the satellite. (Lazaris-Brunner, col. 7, lines 14-18, 55-60; coo. 8, lines 31-47). In other words, the signals sent in Lazaris-Brunner are only associated with a region by the satellite after receipt by the satellite. Accordingly, the uplink beams in Lazaris-Brunner cannot comprise “a digital channel corresponding to a respective one of said computation centers,” given that they have not yet reached the satellite where it will be determined to which regions the uplinked signal will be sent.

In addition to the arguments presented above, Applicant submits that the arguments presented in the Response dated January 20, 2010 further distinguish the present Application of Lazaris-Brunner. For example, Lazaris-Brunner cannot possibly disclose either the claimed down-link adapter, or computation center as claimed. While Lazaris-Brunner may disclose “home receivers,” the reference makes no disclosure of anything attached to the home receivers. Furthermore, there is absolutely nothing disclosed as being attached to the home receivers that

could be considered a down-link adapter or a computation center, as required by claim 1. In fact, Lazaris-Brunner makes no disclosure of anything concerning the home receivers, except that they receive the signal from the Lazaris-Brunner satellite.

As a further example, Applicant submits that Lazaris-Brunner fails to disclose the claimed downlink adapter “adapted for extracting, from said down-link transmission, said digital channel corresponding only to the said respective computation center.” (emphasis added). Lazaris-Brunner teaches “Each of the downlink spots 22, 24, 26, and 28 are referred to herein as ‘regions,’ and within each region there are a plurality of home receivers 16 that are desirous of receiving both global programming C from the central hub station 12 and regional programming generated from within their own local region, or perhaps from neighboring regions.” (Lazaris-Brunner, col. 6, lines 53-59, emphasis added). Because the homes in the regions desire global programming, Lazaris-Brunner cannot possibly disclose a down-link adapter “adapted for extracting, from said down-link transmission, said digital channel corresponding only to the said respective computation center.” (emphasis added).

For *at least* the reason set forth above, Applicant submits that claim 1 patentably distinguishes over the prior art. Applicant further submits that claim 14 patentably distinguishes over the prior art for reasons analogous to those presented with regards to claim 1. Additionally, Applicant submits that claims 2-13, and 15-25 patentably distinguish over the cited art due *at least* to their dependence on claims 1 and 14.

### ***Dependent Claims***

In addition to the arguments set forth above with regards to the independent claims, Applicant wishes to note particular patentable features in some specific dependent claims. While Applicant submits that all dependent claims are patentable, Applicant includes the following discussion to highlight particularly poignant examples of the deficiencies in the Lazaris-Brunner reference.

Dependent Claim 6

Dependent claim 6 recites “wherein a monitoring station has a receiver for synchronizing message transmission using data extracted from said down-link channel multiplex content.” In rejecting this claim, the Examiner has cited a portion of Lazaris-Brunner in which central hub station 12 communicates with other programming sources through the use of landlines. (Lazaris-Brunner, col. 6, lines 33-67; *See Also* Office Action of 4/13/2010, page 6, 5<sup>th</sup> full paragraph). This communication by itself cannot disclose the extraction of data from down-link channel multiplex content because the communication described in Lazaris-Brunner takes place through land lines 18, and not from a satellite down-link. (Lazaris-Brunner, col. 6, lines 33-38). Furthermore, there is no disclosure in Lazaris-Brunner that the other programming sources extract data from down-link channel multiplex content, so it is not possible that such data is included in the communication over the landlines. Applicant further submits that nowhere in the cited portions of Lazaris-Brunner, or anywhere else in the reference, is there reference to “synchronizing message transmission.” For *at least* these reasons, Applicant submits claim 6 patentably distinguishes over Lazaris-Brunner.

Dependent Claim 20

Claim 20 recites “data is returned from a down-link adapter to an up-link adapter transferring time information and/or data information between said adapters.” The Examiner alleges that this is disclosed by a portion in Lazaris-Brunner which discloses “receivers receive program data such as news, sports information, regional program data from sources.” (Office Action of 4/13/2010, page 8, 4<sup>th</sup> full paragraph; *See Also* Lazaris-Brunner, col. 7, lines 1-55). First, nowhere in these 55 lines of text is time information discussed. Next, this disclosure fails to disclose data returned “from a down-link to an up-link adapter.” Claim 20 eventually depends from claim 8 in which the downlink adapter “extract[s] at least one channel from a down-link transmission as claimed in claim 1.” Accordingly, the down-link adapter of claim 20 would have to “[extract] at least one channel from a down-link transmission as claimed in claim 1.” In the

entire 55 lines of text there is no disclosure in Lazaris-Brunner of an adapter which extracts a channel from a downlink transmission and returning the data to an up-link adapter. For *at least* these reasons, Applicant submits claim 20 patentably distinguishes over Lazaris-Brunner.

***Conclusion***

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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